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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of) MM Docket No. 87-268
)
Advanced Television Systems)
and Their Impact Upon the Existing)
Television Broadcast Service)

To: The Commission

PETITION FOR RECONSIDERATION

Jacksonville Educators Broadcasting, Inc. ("JEB"), licensee of noncommercial television station WTCE, Channel 21, Fort Pierce, Florida, by its attorney, hereby submits its Petition for Reconsideration in response to the Commission's Sixth Report and Order in this proceeding, released April 21, 1997.¹ JEB recognizes that the Commission has an enormous, and extremely difficult task in bringing America's free over-the-air television service into the digital age. JEB commends the Commission for its work. In this Petition, JEB requests assignment of a different paired digital channel, which will not cause interference to any other broadcaster, in order to locate a site outside the three-mile radius of its current site.

I. **Broadcasters Were Given the Flexibility to Locate Outside the Three Mile Radius**

In the Sixth Report and Order the Commission adopted a service replication procedure which established the new DTV allotment table based on the current transmitter sites of the existing NTSC facility. FCC 97-115, para. 102. The Commission also provided that broadcasters have the flexibility to locate their digital transmitting facility anywhere within a three-mile radius

¹ FCC 97-115, 62 Fed. Reg. 26684, published May 14, 1997.

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of their existing antenna site coordinates. Id. Recognizing, however, that in some instances broadcasters would be forced to seek sites outside the three-mile radius, the Commission gave broadcasters the additional flexibility to "relocate to other locations or co-locate their facilities with other broadcasters where such relocations or co-locations would not increase interference." Id. (footnote omitted)

II. WTCE's Current Site Is Unavailable for Operation of a DTV Channel

In the DTV Table of Allotments WTCE was given channel 38 as its paired channel. FCC 97-115, Attachment B, page. B-13. Unfortunately, WTCE cannot co-locate its DTV channel 38 with its current NTSC operation. Another tower will have to either be constructed or located to accommodate WTCE's DTV channel 38. As noted in the attached Engineering Statement, due to environmental and FAA concerns, such an alternative tower, or site, would necessarily have to be built or located a significant distance south of WTCE's present NTSC facility, which is not available to accommodate WTCE's DTV operation. WTCE will therefore need a different DTV channel allotment, rather than channel 38, because channel 38 cannot properly be located south due to spacing consideration regarding NTSC station WTVX, channel 34, Fort Pierce.

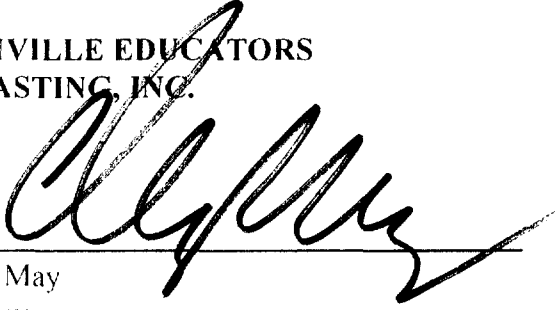
As an alternative, WTCE proposes that it be allocated DTV channel 57 as its paired channel. This will afford WTCE the flexibility of locating its DTV operation where construction of a television tower is possible (to the South). In addition, as explained in the attached Engineering Statement, DTV channel 57 was identified as the best alternative based on the MSTV/NAB computer study, "Alternative DTV Channel Assignments in the Continental United States," dated May 28, 1997. This channel substitution meets the no interference increase

standard specified in the Sixth Report and Order, and it affords WTCE the flexibility necessary to actually implement its DTV service.

Accordingly, WTCE hereby respectfully requests that it be given DTV channel 57 as its paired channel, rather than DTV channel 38.

Respectfully submitted,

**JACKSONVILLE EDUCATORS
BROADCASTING, INC.**

By: 
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Its Attorney

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June 13, 1997

ENGINEERING STATEMENT

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of JACKSONVILLE EDUCATORS BROADCASTING, INC., licensee of noncommercial Television Station WTCE, Channel 21, Fort Pierce, Florida, in support of its Petition for Reconsideration of the Commission's *Sixth Report and Order* in MM Docket No. 87-268 concerning the implementation of digital television (DTV) services. In this proceeding the FCC allotted DTV Channel 38 to WTCE. However, for the reasons stated below, this DTV channel allotment is not acceptable.

In reviewing its options for instituting a DTV service, WTCE finds that it cannot colocate its DTV facility with its NTSC operation. It is quite likely that another tower will have to be constructed. However, due to environmental and FAA concerns, such a tower would necessarily have to be built a significant distance south of WTCE's present facility.

Unfortunately, DTV Channel 38 cannot properly be located southward, due to spacing considerations regarding NTSC station WTVX, Channel 34, Fort Pierce. Based on an MSTV/NAB computer study, "Alternative DTV Channel Assignments in the Continental United States", dated May 28, 1997, DTV Channel 57 is available as a suitable alternative channel for WTCE. Further, Channel 57 offers WTCE the flexibility of locating the DTV transmitter site in an area that is more suitable for the construction of a tall tower.

It is important to note that while we conducted a cursory interference study of DTV Channel 57 for WTCE, the complex software used by the FCC to replicate existing station coverage with the corresponding DTV facility as well as to calculate interference between and amongst DTV and NTSC stations, is not readily accessible to the public at present. As a result, further study of other alternate channels for WTCE may be required.

However, based upon the information at hand, it is proposed that DTV Channel 57 be substituted for WTCE's DTV Channel 38 allotment in the FCC's table of DTV allotments.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'K. T. Fisher', with a stylized, sweeping flourish at the end.

KEVIN T. FISHER

June 10, 1997

CERTIFICATE OF SERVICE

I, Glinda M. Corbin, office manager in the law offices of Colby M. May hereby certify that I have caused to be sent this 13th day of June 1997, via first class U.S. mail, postage prepaid, a true and correct copy of the foregoing **PETITION FOR RECONSIDERATION** to the following:

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By: Glinda M. Corbin

* Hand Delivered